IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1637 OF 2007

Bharat Sanchar Nigam Ltd. ..Petitioner.

Vs.

Shri Vivek Wamanrao Shinde
& Ors. ..Respondents.

Ms.Neeta V. Masurkar for the Petitioner.
Mr.V.G.Mujumdar for Respondent Nos.1 to 3.

CORAM : S.J. VAZIFDAR, J.
DATED : 24TH JULY, 2007

P.C. :

Rule, returnable and heard forthwith.

2. The Petitioner has impugned an order dated 29th September, 2005 by which the Petitioner's contention that the matter ought to be referred to arbitration has not been accepted.

3. The only contention raised by the Respondents is that there was no written application for the same at this stage.

4. In the circumstances, the rule is made absolute in the following terms :-

i) The impugned order is set aside.

ii) The Small Causes Court shall decide the Petitioner’s application under the Arbitration and Conciliation Act, 1996, if made afresh in writing and without being influenced by the observations in the impugned order.

iii) Needless to add, all the contentions of the parties are kept open.